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3 **BEFORE THE**
4 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
5 **DEPARTMENT OF CONSUMER AFFAIRS**
6 **STATE OF CALIFORNIA**

7 In the Matter of the Accusation Against:

Case No. 1D 2003 63682

8 NASIR AHMED
9 3321 Sandstone Court
10 Palmdale, California 93551

11 Physical Therapist Assistant License
12 No. AT 2338

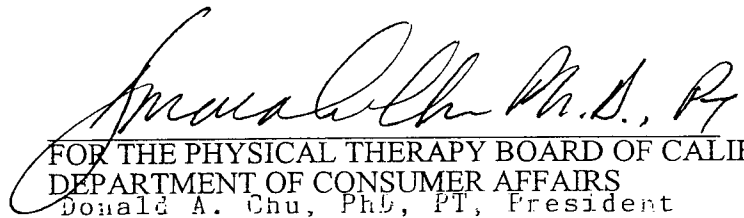
Respondent.

13 **DECISION AND ORDER**

14 The attached Stipulated Settlement and Disciplinary Order is hereby adopted by
15 the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in
16 this matter.

17 This Decision shall become effective on March 13, 2006.

18 It is so ORDERED February 10, 2006.

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21 **FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA**
22 **DEPARTMENT OF CONSUMER AFFAIRS**
23 Donald A. Chu, PhD, PT, President
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BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the Accusation Against:

NASIR AHMED
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Physical Therapist Assistant License No.
AT 2338

Respondent.

Case No. 1D 2003 63682

OAH No. L2005040158

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Steven Hartzell (Complainant) is the Executive Officer of the Physical
Therapy Board of California (Board), Department of Consumer Affairs. He brought this action
solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General
of the State of California, by Chris Leong, Deputy Attorney General.

2. Respondent Nasir Ahmed, PTA (Respondent) is represented in this
proceeding by attorney Bill J. Thompson, Esq., whose address is 25375 Orchard Village Road,
Suite 106, Valencia, California 91355-3000.

3. On or about November 5, 1990, the Board issued Physical Therapist
Assistant License Number AT 2338 to Respondent. This license was in full force and effect at

1 all times relevant to the charges brought herein and will expire on February 2, 2006, unless
2 renewed.

3 JURISDICTION

4 4. Accusation No. 1D 2003 63682 was filed before the Board and is currently
5 pending against Respondent. The Accusation and all other statutorily required documents were
6 properly served on Respondent on June 29, 2005. Respondent timely filed his Notice of Defense
7 contesting the Accusation. A copy of Accusation No. 1D 2003 63682 is attached as Exhibit A
8 and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. 1D 2003 63682. Respondent has also
12 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
13 Settlement and Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
17 the right to present evidence and to testify on his own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 1D 2003 63682.

26 9. Respondent agrees that his Physical Therapist Assistant License is subject
27 to revocation, and he agrees to be bound by the Board's imposition of discipline as set forth in
28 the Disciplinary Order below.

1 timely the remainder of the costs will be waived.

2 2. RESTRICTION OF PRACTICE - HOME CARE The respondent shall
3 not provide physical therapy services in a patient's home unless and until the diversion program
4 recommends that he could and the Board grants approval..

5 3. RESTRICTION OF PRACTICE - SOLO PRACTICE The respondent
6 shall be prohibited from engaging in the solo practice of physical therapy.

7 4. PROHIBITION OF POSSESSION OR USE OF CONTROLLED
8 SUBSTANCES Respondent shall abstain completely from the personal use or possession of
9 controlled substances as defined in the California Uniform Controlled Substances Act, dangerous
10 drugs as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a
11 prescription. This prohibition does not apply to medications lawfully prescribed to respondent
12 for a bona fide illness or condition by a practitioner licensed to prescribe such medications.

13 5. PROHIBITION OF THE USE OF ALCOHOL Respondent shall abstain
14 completely from the use of alcoholic beverages.

15 6. BIOLOGICAL FLUID TESTING Respondent shall immediately submit
16 to biological fluid testing, at respondent's cost, upon the request of the Board or its designee.

17 7. DIVERSION PROGRAM Within 15 days from the effective date of this
18 decision, respondent shall enroll and participate in the Board's Diversion Program until the Board
19 determines that participation in the diversion program is no longer necessary. Failure to comply
20 with requirements of the Diversion Program, terminating the program without permission or
21 being expelled for cause shall constitute a violation of probation by respondent.

22 8. PROBATION MONITORING COSTS All costs incurred by the Board
23 for probation monitoring during the entire period of probation shall be reimbursed by respondent.
24 Respondent will be billed at least quarterly. Failure to make the ordered reimbursement within
25 60 days of the billing shall constitute a violation of the probation order. In addition to the filing
26 of an Accusation or the issuance of an administrative citation, the filing of criminal charges shall
27 be sought when appropriate.

28 9. OBEY ALL LAWS Respondent shall obey all federal, state and local

1 laws, and statutes and regulations governing the practice of physical therapy in California.

2 10. COMPLIANCE WITH ORDERS OF A COURT The respondent shall be
3 in compliance with any valid order of a court. Being found in contempt of any court may
4 constitute a violation of probation.

5 11. COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF
6 RESTITUTION Respondent must not violate any terms and conditions of criminal probation
7 and must be in compliance with any restitution ordered.

8 12. QUARTERLY REPORTS Respondent shall submit quarterly
9 declarations under penalty of perjury on forms provided by the Board, stating whether there has
10 been compliance with all the conditions of probation.

11 13. PROBATION MONITORING PROGRAM COMPLIANCE Respondent
12 shall comply with the Board's probation monitoring program.

13 14. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent
14 shall appear in person for interviews with the Board, or its designee, upon request at various
15 intervals and with reasonable notice.

16 15. NOTIFICATION OF PROBATIONAL STATUS TO EMPLOYERS The
17 respondent shall notify all present or future employers of the reason for and the terms and
18 conditions of the probation by providing a copy of the Accusation and the decision and order to
19 the employer. The respondent shall obtain written confirmation from the employer that the
20 documents were received. If the respondent changes employment or obtains additional
21 employment, the respondent shall provide the above notification to the employer and submit
22 written employer confirmation to the Board within 10 days. The notification(s) shall include the
23 name, address and phone number of the employer, and, if different, the name, address and phone
24 number of the work location.

25 16. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The
26 respondent shall notify the Board, in writing, of any and all changes of name or address within
27 ten (10) days.

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1 17. RESTRICTION OF PRACTICE - TEMPORARY SERVICES
2 AGENCIES Respondent may only practice or perform physical therapy in a supervised

3 structured environment. The respondent shall not work for a temporary services agency or
4 registry.

5 18. PROHIBITED USE OF ALIASES Respondent may not use aliases and
6 shall be prohibited from using any name which is not his legally-recognized name or based upon
7 a legal change of name.

8 19. WORK OF LESS THAN 20 HOURS PER WEEK If the respondent
9 works less than 192 hours in a period of three months, those months shall not be counted toward
10 satisfaction of the probationary period. The respondent shall notify the Board if he works less
11 than 192 hours in a three month period.

12 20. TOLLING OF PROBATION The period of probation shall run only
13 during the time respondent is practicing within the jurisdiction of California. If during probation
14 respondent does not practice within the jurisdiction of California, respondent is required to
15 immediately notify the probation monitor in writing of the date that respondent's practice is out
16 of state, and the date of return, if any. Practice by the respondent in California prior to
17 notification to the Board of the respondent's return will not be credited toward completion of
18 probation. Any order for payment of cost recovery shall remain in effect whether or not
19 probation is tolled.

20 21. VIOLATION OF PROBATION If respondent violates probation in any
21 respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke
22 probation and carry out the disciplinary order that was stayed. If an accusation or petition to
23 revoke probation is filed against respondent during probation, the Board shall have continuing
24 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
25 is final.

26 22. CESSATION OF PRACTICE DUE TO RETIREMENT, HEALTH OR
27 OTHER REASONS Following the effective date of this probation, if respondent ceases
28 practicing physical therapy due to retirement, health or other reasons, respondent may request to

1 surrender his license to the Board. The Board reserves the right to evaluate the respondent's
2 request and to exercise its discretion whether to grant the request or to take any other action
3 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the
4 tendered license, the terms and conditions of probation shall be tolled until such time as the
5 license is no longer renewable, the respondent makes application for the renewal of the tendered
6 license or makes application for a new license.

7 23. COMPLETION OF PROBATION Upon successful completion of
8 probation, respondent's license or approval shall be fully restored.

9 24. WRITTEN EXAMINATION ON THE LAWS AND REGULATIONS
10 GOVERNING THE PRACTICE OF PHYSICAL THERAPY Within 90 days of the effective
11 date of this decision, respondent shall take and pass the Board's written examination on the laws
12 and regulations governing the practice of physical therapy in California. If respondent fails to
13 pass the examination, respondent shall be suspended from the practice of physical therapy until a
14 repeat examination has been successfully passed.

15 25 PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE
16 ON PROBATION It is not contrary to the public interest for the respondent to practice and/or
17 perform physical therapy under the probationary conditions specified in the disciplinary order.
18 Accordingly, it is not the intent of the Board that this order, the fact that the respondent has been
19 disciplined or that the respondent is on probation, shall be used as the sole basis for any third
20 party payor to remove respondent from any list of approved providers.

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21 Consumer Affairs.
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